

Memorandum of Agreement

between the

Department of the Army
U.S. Army Corps of Engineers
Norfolk District

and the

City of Newport News, VA
Department of Engineering

and the

Department of the Army
U.S. Army Transportation Center, Fort Eustis
Directorate of Public Works

and the

Department of Transportation
Federal Highway Administration
Eastern Federal Lands Highway Division

for

Engineering and Design
of a
New Entrance
Fort Eustis, Virginia

The purpose of this Memorandum of Agreement (MOA) is to establish the roles, responsibilities, funding and procedures by which the U.S. Army Corps of Engineers, Norfolk District (COE), the City of Newport News (CNN), the U.S. Army Transportation Center, Fort Eustis, Directorate of Public Works (FEDPW), and the Department of Transportation, Federal Highway Administration, Eastern Federal Lands Highway Division (EFLHD), will jointly participate in the environmental review, planning, and design of a new entrance into Fort Eustis, Virginia.

WHEREAS, the City of Newport News is the agency with administrative oversight, maintenance, and jurisdictional authority for the portion of this project outside of Fort Eustis; and

WHEREAS, the U.S. Army Transportation Center, Fort Eustis, Directorate of Public Works is the Federal agency with Administrative oversight, maintenance, and jurisdictional authority for the portion of this project inside of Fort Eustis; and

WHEREAS, the COE is authorized, and has agreed to administer the environmental review, planning, and design of the entire proposed project;

WHEREAS, \$600,000 from Public Lands Highway Discretionary (PLH) sources at 100 percent Federal participation rate has been approved for preliminary engineering only. Payment for obtaining rights-of-ways is not allowed under this PLH funding. In addition, PLH funding has not been approved for utility relocation, construction, or construction engineering. It is unknown at this time when or from what source additional funds will be made available for these items;

NOW THEREFORE, the COE, CNN, FEDPW, and EFLHD do hereby mutually agree as follows:

1. The COE will be the lead agency for the project development of the proposed project. They will perform all work as necessary to complete the environmental review, planning, and design for the proposed project. They will issue any permits for any impact to the waters of the United States and/or wetlands. They shall provide EFLHD, CNN, and FEDPW a breakdown of the proposed scope of work, including an estimate and time line, and a proposed budget for the design of the entrance. Updates shall be provided by semi-annual status report.
2. The FEDPW shall be a cooperating agency and shall (a) approve the final design standards for the project within their jurisdiction; (b) review the required final environmental clearances; (c) participate in all of the design field reviews; (d) approve the final plans, specifications, and estimate for construction; and (e) obtain all federal and State environmental permits necessary for project construction.
3. The CNN shall be a cooperating agency and shall (a) obtain all necessary rights-of-ways; (b) approve the final design standards for the project within their jurisdiction; (c) review the required final environmental clearances; (d) participate in all of the design field reviews; and (e) approve the final plans, specifications, and estimate for construction.

4. The EFLHD shall be a cooperating agency and shall: a) provide the Federal funding for the proposed project which includes funding for environmental review, planning, and design; b) be available for technical assistance if requested by the COE; c) participate as necessary in intermediate and final reviews; and d) monitor and track the Federal funds being used for the project.

5. Designated points of contact for the coordination of this project are as follows:

Mr. Tom Meals
Project Manager
Department of Defense
U.S. Army Corp of Engineers
Norfolk District
ATTN: CENAO-PM-M
803 Front Street
Norfolk, VA 23510-1096
Phone: (757) 441-7682
Fax: (757) 441-7813
E-mail:thomas.a.meals@usace.army.mil

Mr. Robert Sparrow
Programs Engineer -
Federal Highway Administration
Eastern Federal Lands Highway Division
21400 Ridgetop Circle
Sterling, VA 20166-6511
Phone: (703) 285-0099
Fax: (703) 285-0099
E-mail:robert.sparrow@fhwa.dot.gov

Mr. Tom M. Slaughter
City of Newport News
Department of Engineering
Newport News, Virginia 23607
Phone: (757) 926-8611
Fax: (757) 926-8300
E-mail:tslaught@ci.newport-news.va.us

Mr. Tsvi Katz-Hyman
U. S. Army Transportation Center, Ft. Eustis
Directorate of Public Works
Fort Eustis, Virginia
Phone: (757) 878-3190, ext. 267
Fax: (757) 878-2860
E-mail:katzhyman@eustis.army.mil

6. The COE will request PLH funds for preliminary engineering activities from the EFLHD. Based on this request, EFLHD will secure and authorize funds for the specific activities by reimbursable agreement. Reimbursement to the COE will be based on invoices submitted to the EFLHD. The invoices must reference this Memorandum of Agreement and shall be sent to the EFLHD address listed in (5) above.

7. If EFLHD is to provide technical assistance, an estimate of costs will be calculated and coordinated with the COE. EFLHD would then allocate the appropriate amount of funds to themselves from the amount authorized for this project.

8. The PLH funds are identified by a three digit appropriation code (PC-414) which is used by EFLHD, FHWA and the COE to track the obligation and expenditures. The COE shall be responsible for the administration of the Highway Trust Funds for this project which include compliance with all applicable laws, regulations, and reporting of fiscal information required by FHWA. All reporting of the unobligated funds and expenditures must be identified by the program code as noted above. The following is a summary of these reporting requirements:

Monthly and Year End:

The amount of unobligated funds by program code are reported to the FHWA by the COE using a standard form (SF) 133, Report on Budget Executions, by the COE budget office. The funds must be obligated prior to the end of fiscal year 1999.

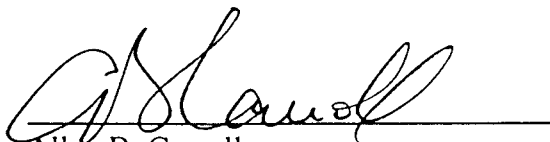
After Completion of the Project:

The COE shall prepare and submit a final account of the costs for the project to FHWA and EFLHD.

9. The COE shall submit semi-annual status reports on the project, every June 15 and December 15, to EFLHD, CNN, and FEDPW.
10. The COE will be responsible for the administrative settlement or adjudication of claims arising from contracts covered by this agreement, utilizing and subject to availability of project funds.
11. Nothing herein contained shall be construed as binding the COE, CNN, FEDPW, or EFLHD to expend any sum in excess of the amount allocated for this portion of the project, or to involve the COE, CNN, FEDPW, or EFLHD in any contract or other obligation for the further expenditure of money in excess of such appropriations.
12. This Agreement becomes effective on the date of the last approving signature, and shall remain in effect until the project is completed. This Agreement may be modified by the written consent of all the parties to cover any questions which may arise subsequent to the date of this Agreement.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

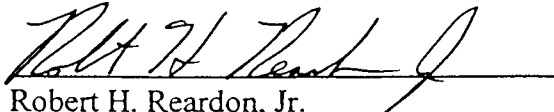
DEPARTMENT OF DEFENSE
DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS



Allan B. Carroll
Colonel, U.S. Army
District Engineer
Norfolk District

1/25/59
Date

DEPARTMENT OF DEFENSE
DEPARTMENT OF THE ARMY
U.S. ARMY TRANSPORTATION CENTER, FORT EUSTIS



Robert H. Reardon, Jr.
Colonel, U.S. Army
Directorate of Public Works

2/1/99
Date

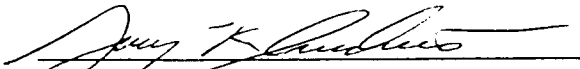
CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING



Dr. Mostafa A. Sabbah
Director of Engineering

2/9/99
Date

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
EASTERN FEDERAL LANDS HIGHWAY DIVISION



Mr. Gary L. Klinedinst
Division Engineer

2/10/99
Date

Memorandum of Agreement

between the

Department of the Army
U.S. Army Corps of Engineers
Norfolk District

and the

City of Newport News, VA
Department of Engineering

and the

Department of the Army
U.S. Army Transportation Center, Fort Eustis
Directorate of Public Works

and the

Department of Transportation
Federal Highway Administration
Eastern Federal Lands Highway Division

for

Engineering and Design
of a
New Entrance
Fort Eustis, Virginia

This is Amendment No. 1 to the Memorandum of Agreement (MOA), executed between the parties listed for the New Entrance at Fort Eustis, Virginia. The MOA is being revised to increase the funding limit to include those funds received from the FY 2000 Public Lands Highway Discretionary Program.

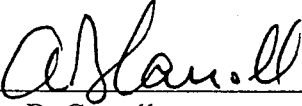
The fifth paragraph on page one is revised to read as follows:

WHEREAS, \$1,600,000 from Public Lands Highway Discretionary (PLH) sources at 100 percent Federal participation rate has been approved for preliminary engineering, rights-of-ways, utility relocations, and construction. It is unknown at this time when, or from what source, additional funds will be made available for construction.

This Amendment becomes effective on the date of the last approving signature, and shall remain in effect until the project is completed. The Agreement, as amended, may be modified by written consent of all of the parties to cover any questions which may arise subsequent to the date of this Amendment.

IN WITNESS THEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives.

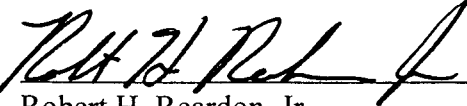
DEPARTMENT OF DEFENSE
DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS



Allan B. Carroll
Colonel, U.S. Army
District Engineer
Norfolk District

27 Apr 2000
Date

DEPARTMENT OF DEFENSE
DEPARTMENT OF THE ARMY
U.S. ARMY TRANSPORTATION CENTER, FORT EUSTIS



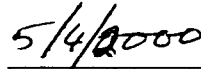
Robert H. Reardon, Jr.
Colonel, U.S. Army
Directorate of Public Works

27 Apr 2000
Date

CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING

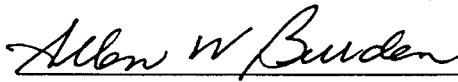


Dr. Mostafa A. Sabbah
Director of Engineering

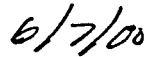


Date

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
EASTERN FEDERAL LANDS HIGHWAY DIVISION



Mr. Allen W. Burden, P. E.
Division Engineer



Date

AGREEMENT No. DTFH71-99-X-00003
AMENDMENT NO. 2

Memorandum of Agreement

between the

Department of the Army
U.S. Army Corps of Engineers
Norfolk District

and the

City of Newport News, VA
Department of Engineering

and the

Department of the Army
U.S. Army Transportation Center, Fort Eustis
Directorate of Public Works

and the

Department of Transportation
Federal Highway Administration
Eastern Federal Lands Highway Division

for

Engineering and Design
of a
New Entrance
Fort Eustis, Virginia

This is Amendment No. 2 to the Memorandum of Agreement (MOA), executed between the parties listed for the New Entrance at Fort Eustis, Virginia. The MOA is being revised to increase the funding limit to include those funds received from the FY 2001 Public Lands Highway Discretionary Program.

The fifth paragraph on page one is revised to read as follows:

WHEREAS, \$4,138,250 from Public Lands Highway Discretionary (PLH) sources at 100 percent Federal participation rate have been approved for preliminary engineering, right-of-way, utility relocations, and construction. It is unknown at this time when, or from what source, additional funds will be made available for construction.

This Amendment becomes effective on the date of the last approving signature, and shall remain in effect until the project is completed. The Agreement, as amended, may be modified by written consent of all of the parties to cover any questions that may arise subsequent to the date of this Amendment.

IN WITNESS THEREOF, the parties hereto have caused this Amendment to be executed by their duly authorized representatives.

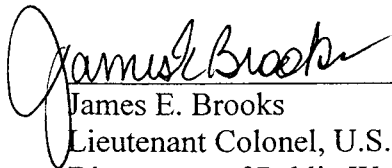
DEPARTMENT OF DEFENSE
DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS



David L. Hansen
Colonel, U.S. Army
District Engineer
Norfolk District

30 Aug 01
Date


DEPARTMENT OF DEFENSE
DEPARTMENT OF THE ARMY
U.S. ARMY TRANSPORTATION CENTER, FORT EUSTIS



James E. Brooks
Lieutenant Colonel, U.S. Army
Directorate of Public Works

4 SEP 01
Date

CITY OF NEWPORT NEWS
DEPARTMENT OF ENGINEERING




Dr. Mostafa A. Sabbah
Director of Engineering

9/20/01

Date

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
EASTERN FEDERAL LANDS HIGHWAY DIVISION



Allen W. Burden, P.E.
Division Engineer

9/26/01

Date



U. S. Department
of Transportation

Federal Highway
Administration

Eastern Federal Lands
Highway Division

21400 Ridgetop Circle
Sterling, VA 20166-6511

FEB 13 2003

Refer to: HFPP-15
MEMORANDUM OF AGREEMENT
No. DTFH71-99-X-00003
Amendment No. 3
Authorization for Construction

Mr. Craig Jones
Project Manager
Department of Defense
U.S. Army Corps of Engineers, Norfolk District
803 Front Street
Norfolk, VA 23510-1096

Dear Mr. Jones:

This office has reviewed the final Plans, Specifications, and Estimate submittal and letter dated February 7, 2003, for the construction of a new entrance road and bridge for Fort Eustis, Virginia. Amendment No. 3, dated September 10, 2002, to the Memorandum of Agreement was executed which provided for \$9,596,078.44 in Defense Access Roads funds in addition to the \$4,138,250.00 from Public Lands Highway Discretionary funding for a total of \$13,734,328.44.

The project's Plans, Specifications, and Estimate are approved and the U.S. Army Corps of Engineers is hereby authorized to proceed with advertisement for construction. Based on your February 7 letter, authorized funds for the design and right-of-way activities are hereby reduced from \$4,138,250.00 to \$1,362,237.80. Funds are hereby authorized for construction totaling \$12,372,090.64.

Please indicate your acceptance of this Authorization by signing at the bottom and returning the **original** signed letter to this office. If you have any questions regarding this Authorization, please contact Ms. Dorothy Germain, Programs Manager, at 703-404-6280.

Sincerely yours,

Melisa L. Ridenour, P.E.
Division Engineer



Acceptance:

Sharon Ballard Budget Analyst 5/16/03
Signature Title Date

cc:

Mr. Peter Cline, Senior Engineer for Access Roads, Military Traffic Management Command,
Newport News, VA

Mr. Tom M. Slaughter, City of Newport News, Department of Engineering, Newport News, VA

Mr. Tsvi Katz-Hyman, U.S. Army Transportation Center, Fort Eustis, Directorate of Public
Works, Fort Eustis, VA

Mr. Julius B. Wlaschin, Director of Program Development, Office of Federal Lands Highway,
FHWA, Washington, DC (HFPD-1)

ACCEPTANCE OF REIM. ORDER

☒ Acceptable

☐ Not Acceptable (Reason)

Betty Eisenbower
Signature of Operating Official